

2003 DRAFTING REQUEST**Bill**Received: **10/14/2003**Received By: **rnelson2**Wanted: **As time permits**

Identical to LRB:

For: **DuWayne Johnsrud (608) 266-3534**By/Representing: **Thomas M**This file may be shown to any legislator: **NO**Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Johnsrud@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Sale of animal pelts and lure by trappers

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/P2	rnelson2 02/06/2004	jdyer 02/09/2004	rschluet 02/10/2004	_____	lemery 02/10/2004		
		jdyer		_____			

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/P3	rnelson2 02/19/2004	jdye 02/20/2004	pgreensl 02/20/2004	_____	sbasford 02/20/2004		
/1	rnelson2 02/23/2004	jdye 02/24/2004	rschluet 02/24/2004	_____ _____ _____	lnorthro 02/24/2004	sbasford 02/25/2004 sbasford 02/25/2004	

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*none
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Please
Jacket
For introduction

- By Johnsrud

jacket
per
Johnsrud's
office

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FE Sent For:

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**BILL**  
**REQUEST FORM**

RPN

**LEGISLATIVE REFERENCE BUREAU**  
**Legal Section Telephone: 266-3561**  
**5th Floor, 100 N. Hamilton Street**

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.

Use this form only for **BILL** drafts. Attach more pages if necessary.

Legislator, agency or other body requesting this draft: Representative DuWayne Johnson

Date: 9/24 Person submitting request (name, phone number): Thomas Mooney 266-3534

Persons to contact for questions about this draft (names, phone numbers): \_\_\_\_\_

**Describe the problem, including any helpful examples.**

**How do you want to solve the problem?**

Please attach a copy of any correspondence or other material that may help us.

If you know of any statute sections that might be affected, list them or provide a marked-up (not re-typed) copy. Statute 29.539 (1)(a)2

You may attach a marked-up (not retyped) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67): \_\_\_\_\_

**Requests are confidential unless stated otherwise.**

- May we tell others that we are working on this for you? ☐ Yes ☐ No
- If yes: Anyone who asks? ☐ Yes ☐ No Any legislator? ☐ Yes ☐ No Only the following persons: \_\_\_\_\_

Do you consider this request urgent? ☐ Yes ☒ No If yes, please indicate why: \_\_\_\_\_

Should we give this request priority over any other pending request of this legislator, agency or body? ☐ Yes ☒ No If yes, sign your name here: \_\_\_\_\_

Yes No

**2003-05**  
**Legislative Proposal**

**Signatures**

Legal Services \_\_\_\_\_

Bureau Director \_\_\_\_\_

Division Administrator \_\_\_\_\_

Date: March 1, 2002

To: Elizabeth Kluesner, Legislative Liaison - AD/5

Bureau of: Law Enforcement

Division of: Enforcement & Science

Bureau Contact: Thomas Van Haren LE/5 266-3244

**1. Problem/Issue SALE OF LAWFULLY CAUGHT FISH & GAME - CLOSED SEASON**

Statute 29.539 (1)(a)2. Sale of Fish & Game does not allow the sale of lawfully caught animal pelts or parts thereof during the closed season. This law affects virtually all trappers, as many sell pelts and animal lure after the season closes. By unwritten policy we have not arrested trappers for sale of pelts and lure during the closed season. Recent cases on the sale of animal parts, other than pelts and lures, have triggered questions about this law.

**2. Description of Legislation**

We propose to word 29.539 (1)(a)2. so that trappers would be allowed to sell all legally caught animal pelts and lure at any time. Parts from animals without season bag limits could also be sold at any time during the year. The legislation should read... all of 29.539 (1)(a)2. and add... except that all lawfully taken pelts, lures and animals without season bag limits may be sold at any time.

**3. Background**

Recently, the issue of selling other animal parts (skulls, buccula, teeth, meat) has become popular at trapper and fur trader type gatherings normally held during the closed seasons. Given the large legal harvest of these furbearers and the current ability to sell these species during the open season there is no biological or logical reason to prohibit sale during the "closed" season. To the contrary the DNR encourages wise and "full use" of our resource. If someone wishes to sell "beaver teeth" earrings or meat it should be uniformly allowed all year. The animals allowed to be sold at all times under present seasons would be beaver, mink, muskrat, skunk, raccoon, fox, weasel, opossum, and coyote. The sale of pelts and lure from all legally taken animals would also be allowed.

If populations decline, then bag limit restrictions or season closures occur and the ability of the trappers to take the animals would be prohibited. One argument we have heard is that some people may kill animals during the closed season and subsequently sell them. While it may be more difficult to make a case, it is still possible to prosecute under the closed season laws and/or 29.351 (2)... possess or control the green skin of any fur bearing animal from the 5th day after the beginning of the closed season... This change will allow thousands of trappers to legally sell their fur and perhaps make a few extra dollars from their catches.

**4. Past Legislation None**

**5. Land Use Impacts None.**

**6. Fiscal Estimate None**

**1997 BILL**

1 AN ACT *to amend* 29.41 (2); and *to create* 29.43 (5) (am), 29.44 (2m) and 29.48  
2 (7) of the statutes; **relating to:** possession and sale of fur-bearing animals and  
3 their carcasses.

---

***Analysis by the Legislative Reference Bureau***

This bill allows a person to possess a fur-bearing animal, or the carcass or pelt of a fur-bearing animal, at any time during the year if the animal, carcass or pelt is held in compliance with the fish and game laws. Under current law, such possession is prohibited during the closed season for trapping or hunting the fur-bearing animal.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

4 SECTION 1. 29.41 (2) of the statutes is amended to read:  
5 29.41 (2) Possess or control ~~the green skin of any~~ a fur-bearing animal, except  
6 beaver, from or its carcass, for which there is a bag limit established by the  
7 department, on or after the day after the beginning of the closed season for that  
8 fur-bearing animal until the end of that closed season. This prohibition does not

**BILL****SECTION 1**

1 apply to a carcass of a fur-bearing animal that has been registered with the  
2 department in the manner required by the department.

3 **SECTION 2.** 29.43 (5) (am) of the statutes is created to read:

4 29.43 (5) (am) Subsections (1) to (4) do not apply to the possession,  
5 transportation, delivery or receipt of fur-bearing animals, or their carcasses, that  
6 are lawfully killed and that are any of the following:

7 1. Not subject to a bag limit established by the department.

8 2. Registered with the department in the manner required by the department.

9 **SECTION 3.** 29.44 (2m) of the statutes is created to read:

10 29.44 (2m) Subsection (1) does not apply to the possession, transportation,  
11 delivery or receipt of fur-bearing animals, or their carcasses, that are lawfully killed  
12 and that are any of the following:

13 (a) Not subject to a bag limit established by the department.

14 (b) Registered with the department in the manner required by the department.

15 **SECTION 4.** 29.48 (7) of the statutes is created to read:

16 29.48 (7) A fur-bearing animal, or its carcass, that is lawfully killed is exempt  
17 from this section if any of the following applies:

18 (a) The fur-bearing animal is not subject to a bag limit established by the  
19 department.

20 (b) The fur-bearing animal is registered with the department in the manner  
21 required by the department.

22 (END)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-3487/P1

RPN:.....

jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT <sup>Gen</sup>...; relating to: sale of lawfully caught ~~fish and game~~ <sup>✓ wild animals or parts of wild animals</sup> during a closed  
2 season. ✓

---

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a later version. ✓

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 SECTION 1. 29.539 (1) (a) 2. <sup>✓</sup> of the statutes is amended to read:  
4 29.539 (1) (a) 2. Any other wild animal or its carcass during the closed season  
5 for that wild animal, except that all wild animals without season bag limits and all  
6 lawfully taken pelts and lures of wild animals may be sold at any time.

History: 1973 c. 315, 333; 1975 c. 360; 1977 c. 418; 1985 a. 29, 272; 1987 a. 27, 42, 114; 1991 a. 39, 269; 1995 a. 79; 1997 a. 27; 1997 a. 248 ss. 539 to 545; Stats. 1997 s. 29.539; 2001 a. 56, 109.

7

(END)

d-note  
↓

## RPN:.....

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: [robert.nelson@legis.state.wi.us](mailto:robert.nelson@legis.state.wi.us)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3487/P1dn  
RPN:jld:pg

November 20, 2003

I drafted this as a preliminary draft for two reasons. First, I am not sure how this change relates to section 29.347 (3), 29.351, 29.354, 29.357, 29.361, 29.364, or 169.14 of the statutes. Do those statutes have to be amended to make this draft correct? Second, I am not sure why the word "lure" is used in this draft. Is that the correct term to use? Perhaps you could share these questions with DNR staff.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: robert.nelson@legis.state.wi.us

**29.351 Skins of fur-bearing animals.**

(1) No person may do any of the following:

**29.351(1)(b) is amended to read:**

(b) Unless otherwise authorized by the department or this chapter, possess or control the green skin of any fur-bearing animal, ~~except beaver~~, from the 5th day after the beginning of the closed season for that animal until the end of that closed season.

**29.351(3) is created to read:**

(3) Paragraph (1)(b) does not apply to a lawfully killed fur-bearing animal that has a valid registration tag attached to it by the department, to fur-bearing animals taken under the authority of s. 29.337 or to lawfully killed fur-bearing animals for which an open season is established by rule without bag or possession limits.

*Note: Fur-bearers that require registration include: Bobcat, Otter and Fisher. Fur-bearing animals that have an established open season and have unlimited bag limits include, Beaver, Muskrat, Mink, Raccoons, Fox and Coyote. I did not list these species individually in this section to allow for any changes in the s. 29.337 authority or in our NR10.01 season and bag limit table.*

**29.539 Sale of game or fish.**

(1) (a) Except as otherwise expressly provided under this chapter, no person may sell, buy, barter or trade, or offer to sell, buy, barter or trade or have in possession or under control for the purpose of sale, barter or trade any of the following:

1. Deer, elk, bear, squirrel, game bird, game fish, or the carcass of any of these wild animals at any time.
2. Any other wild animal or its carcass during the closed season for that wild animal.

*Note: (1)(a)2. includes all fur-bearing animals with an open season, rabbits, hares and unprotected species, but only during the open season for these animals.*

**29.539(7) is created to read:**

(7) Subsection (1) does not apply to the following:

- (a) Wild rabbits taken under the authority of ss. 29.337 or 29.338.
- (b) Pelts or carcasses of fur-bearing animals that have a valid registration tag attached by the department.
- (c) Liquid scents made from the parts or carcasses of lawfully taken wild animals, except bear gallbladders.
- (d) Pelts or carcasses of lawfully killed wild animals not listed in (1)(a)1, for which an open season is established by rule without bag or possession limits.

*Note: (a) includes: any dead or live rabbits that are taken by landowners or dead or live rabbits taken under NR 12 authority.  
(b) includes: bobcat, otter and fisher, after they have been registered, and  
(d) includes: beaver, muskrat, mink, raccoon, fox, coyote carcasses if lawfully killed.*

**29.357 Transportation; general provisions.**

(1) During closed season. Except as otherwise expressly provided in this chapter, no person may transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, any game or game fish or carcass at any time other than during the open season for the game or game fish and 3 days thereafter. Whenever any game or game fish or carcass is offered to any person for transportation at any time other than during the open season therefor and 3 days thereafter, the person shall immediately notify the department or its wardens of the offer and by whom made.

**29.357(2) is repealed:**

(2) Trunks, valises. No person may carry or control in any trunk, valise, or other package or enclosure, at any time on any common carrier, any game or game fish, or carcass.

(3)

**29.357(2) is repealed:**

(3) Transportation employees. No employee of any railroad, express or other transportation company, and no steward, porter or other employee of any dining, parlor or sleeping car may have possession or control of, at any time while on duty, any game or game fish, or carcass.

29.357 (4) is renumbered (2):

(4) <sup>4</sup> (2) Labeling game shipments. No person shall transport or cause to be transported, or deliver or receive for transportation, any package or parcel containing any wild animal or carcass, unless the package or parcel is labeled in plain letters on the address side of the package or parcel with the name and address of the consignor, the name and address of the consignee, and the number of pounds of each kind of fish or the number of each variety of other wild animals; or carcasses contained in the package or parcel; and unless the consignor is the owner of the shipment and delivers to the common carrier with the package or parcel, either personally, or by agent, a writing signed by the consignor personally, stating that the consignor is the owner of the shipment.

29.357 (2) is renumbered (3):

**(3) Exemptions.**

29.357 (5) (a) is renumbered (3) (a) and amended to read:

(a) Subsections (1) to ~~and~~ (4) <sup>4</sup> (2) do not apply to a person who has a valid taxidermist permit and who possesses, transports, causes to be transported, delivers or receives, or offers to deliver or receive, a wild animal carcass in connection with his or her business.

29.357 (5) (b) is renumbered (3) (b) and amended to read:

(b) Subsections (1) to ~~and~~ (4) <sup>4</sup> (2) do not apply to the possession, transportation, delivery or receipt of farm-raised deer, farm-raised fish, farm-raised game birds, or wild animals that are subject to regulation under ch. 169.

29.357 (3) (c) is created to read:

(c) Subsections (1) and (2) do not apply to the possession, transportation, delivery or receipt of wild animals or carcasses possessed under the exemptions in ss. 29.351 (3) and 29.539 (7).

**29.347 Possession of deer and elk; heads and skins. [No changes should need to be made to this section]**

(3) Heads and skins. The head and skin of any deer or elk lawfully killed, when severed from the rest of the carcass, are not subject to this chapter; but no person may have possession or control of the green head or green skin of a deer or elk during the period beginning 30 days after the close of the applicable season and the opening of the succeeding applicable season. Unless authorized by the department, no person may at any time have possession or control of a deer or elk head in the velvet or a deer or elk skin in the red, blue, or spotted coat.

**29.354 Possession of game birds and animals. [No changes should need to be made to this section]**

(1) Approval necessary. No person may possess or have under his or her control any game bird or game animal or the carcass of any game bird or game animal unless the person has a valid hunting license, sports license, conservation patron license, taxidermist permit, or scientific collector permit.

**(2) Nests and eggs.**

(a) Except as provided in par. (b), no person may take, needlessly destroy or possess or have under his or her control the nest or eggs of any wild bird for which a closed season is prescribed under this chapter.

(b) A person who has a valid scientific collector permit may take or possess or have under his or her control the nest of a wild bird and may destroy the nest if necessary for a scientific purpose.

(3) Mounted collections. This section does not permit seizure of or prohibit possession or sale of lawfully obtained wild birds and animals which are mounted or in the process of being mounted for a private collection.

(5) Captive wild animals. This section does not apply to farm-raised deer, farm-raised fish, farm-raised game birds, or wild animals that are subject to regulation under ch. 169.

**29.055 Wild animals; possession in closed season or in excess of bag limit** [No changes should need to be made to this section]

Except as expressly provided in this chapter, no person may have in the person's possession or under the person's control, or have in storage, any wild animal or carcass that was taken during the closed season for that wild animal or that is in excess of the bag or possession limit or contrary to the size limits for that wild animal. The open and closed seasons and the bag, possession and size limits of the state, province or country in which a wild animal was taken shall apply to the wild animal or the carcass if it was lawfully killed outside of this state. This section does not apply to farm-raised deer, farm-raised fish, farm-raised game birds, or wild animals that are subject to regulation under ch. 169.

**29.361 Transportation of deer or elk** [No changes should need to be made to this section]

**29.364 Transportation of game birds** [No changes should need to be made to this section]

**169.14 Carcasses of captive wild animals** [No changes should need to be made to this section]

(1) Restrictions on sales and purchases.

(a) No person may sell the carcass of any captive wild animal unless the seller provides to the purchaser written proof of origin.

(b) No person may purchase or possess the carcass of any captive wild animal unless the purchaser maintains written proof of origin during the time the purchaser possesses the carcass.

(c) No person may sell or purchase the gallbladder of a bear that was a captive wild animal.

(d) No person may preserve and mount a carcass of a captive wild animal for consideration unless that person holds a valid taxidermist permit issued under s. 29.506.

---

"Green Skin" is currently not defined by statute or rule.

The Department is proposing the creation of the following definition by administrative rule, through the annual DNR Spring Fish & Wildlife rule hearing process.

**"Green Skin"** means skins that have not been removed from the carcass of a dead animal and skins which have been removed but have not been fleshed, stretched and dried or tanned.

## PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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4 29.539 (1) (a) 2. Any other wild animal or its carcass during the closed season  
5 for that wild animal, except that all wild animals without season bag limits and all  
6 lawfully taken pelts and lures of wild animals may be sold at any time.

7 (END)

Insert 1-6 ✓

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3487/P2ins  
RPN:jld:pg

insert 1-6:

SECTION 1. 29.351 (1) (b) of the statutes is amended to read:

29.351 (1) (b) Possess Unless authorized by the department or this chapter,  
possess or control the green skin of any fur-bearing animal, ~~except beaver,~~ from the  
5th day after the beginning of the closed season for that animal until the end of that  
closed season.

History: 1983 a. 27; 1987 a. 27; 1995 a. 27; 1997 a. 248 s. 507; Stats. 1997 s. 29.351; 2001 a. 56.

\*\*\*NOTE: Why do we need this language if we are creating the language in s. 29.351  
(3)?

SECTION 2. 29.351 (3) of the statutes is created to read:

29.351 (3) The prohibition in subsection (1) (b) does not apply to any of the  
following:

(a) A lawfully killed fur-bearing animal that has a valid registration tag  
attached to it by the department.

(b) A fur-bearing animal taken under the authority of s. 29.337.

(c) A lawfully killed fur-bearing animal for which an open season without bag  
or possession limits is established by rule.

SECTION 3. 29.357 (2) and (3) of the statutes are repealed.

SECTION 4. 29.357 (5) of the statutes <sup>(a) and (b)</sup> are amended to read:

29.357 (5) ~~EXEMPTIONS~~ (a) Subsections (1) ~~to~~ <sup>are</sup> and (4) do not apply to a person  
who has a valid taxidermist permit and who possesses, transports, causes to be  
transported, delivers or receives, or offers to deliver or receive, a wild animal carcass  
in connection with his or her business.

1 (b) Subsections (1) ~~to~~ and (4) do not apply to the possession, transportation,  
2 delivery or receipt of farm-raised deer, farm-raised fish, farm-raised game birds, or  
3 wild animals that are subject to regulation under ch. 169.

4 History: 1985 a. 29; 1991 a. 269, 316; 1995 a. 79; 1997 a. 27; 1997 a. 248 ss. 516, 517; Stats. 1997 s. 29.357; 2001 a. 56.

**SECTION 5.** 29.357 (5) (c) of the statutes is created to read:

5 29.357 (5) (c) Subsections (1) and (4) do not apply to the possession,  
6 transportation, delivery, or receipt of wild animals or carcasses listed in s. 29.351 (3)  
7 or 29.539 (7).

8 **SECTION 6.** 29.539 (7) of the statutes is created to read:

9 29.539 (7) The prohibitions under sub. (1) do not apply to any of the following:

10 (a) Wild rabbits taken under the authority of s. 29.337 or 29.885.

11 (b) The carcass of a fur-bearing animal that has a valid registration tag  
12 attached by the department.

13 (c) Liquid scents made from the carcass of a lawfully taken wild animal, except  
14 <sup>from</sup> bear gallbladders.

15 (d) The carcass of a lawfully killed wild animal not listed in sub. (1) (a) 1. for  
16 which an open season without bag or possession limits is established by rule.

\*\*\*\*NOTE: I did not add "pelts" in pars. (b) and (d) as requested because that term  
is not defined in this chapter and the term "carcass," as defined in this chapter, includes  
pelts.

**Mooney, Thomas**

**From:** Van Haren, Thomas [Thomas.VanHaren@dnr.state.wi.us]

**Sent:** Tuesday, February 17, 2004 9:24 AM

**To:** Mooney, Thomas - *He agrees - fix to bill as proposed*

**Subject:** RE: Draft review: LRB 03-3487/P2 Topic: Sale of animal pelts and lure by

Tom, I like the way this draft appears and agree with the drafters notes. I think we can live without the new wording begin added to s. 29.351(1)(b), but still delete the 2 words "**except beaver**", **for the reason the drafter pointed out. (see below)**

**s. 29.351 (1) (b)** Possess or control the green skin of any fur-bearing animal, **except beaver**, from the 5th day after the beginning of the closed season for that animal until the end of that closed season.

If it is not to late, I would also like to suggest one additional amendment being added to this Bill to solve another issue that just came to our attention last week. We would like to add the following to this Bill:

**29.539(4) is amended to read:**

(4) The tails, **claws, skulls** and skin of any squirrel lawfully killed, when severed from the rest of the carcass are exempted from this section.

*Note: (4) amendment will allow the mounting of squirrels for the purposes of selling the mount without first having to be made part of a private collection as would otherwise be required under s. 29.354(3) and NR 19.28(3). This is currently a common practice as the sale of the tails and skins is generally legal, but typically also includes the claws and may include the skull. This amendment would also allow the sale of skulls as separate items.*

 **Thomas H. Van Haren**

Conservation Warden and Natural Resources Policy Officer

Bureau of Law Enforcement

Wisconsin Department of Natural Resources

(☎) phone: (608) 266-3244

(☎) fax: (608) 266-3696

(✉) e-mail: Thomas.VanHaren@dnr.state.wi.us

-----Original Message-----

**From:** Mooney, Thomas [mailto:Thomas.Mooney@legis.state.wi.us]

**Sent:** Monday, February 16, 2004 10:36 AM

**To:** Van Haren, Thomas

**Subject:** FW: Draft review: LRB 03-3487/P2 Topic: Sale of animal pelts and lure by trappers

Tom, we just got this back from LRB. Let us know what you think about it, particularly the drafter's notes on the bottom of the first and third pages.

-Tom

**Following is the PDF version of draft LRB 03-3487/P2.**

02/18/2004



500n (2/19)  
State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-3487/P2  
RPN:jld:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

vegea  
1 AN ACT to repeal 29.357 (2) and (3); to amend 29.351 (1) (b) and 29.357 (5) (a)  
2 and (b); and to create 29.351 (3), 29.357 (5) (c) and 29.539 (7) of the statutes;  
3 relating to: sale of lawfully caught wild animals or parts of wild animals  
4 during a closed season.

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a later version.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5 SECTION 1. 29.351 (1) (b) <sup>X</sup> of the statutes is amended to read:  
6 29.351 (1) (b) ~~Possess~~ ~~Unless authorized by the department or this chapter,~~ <sup>delete</sup>  
7 ~~possess~~ or control the green skin of any fur-bearing animal, except beaver, from the  
8 5th day after the beginning of the closed season for that animal until the end of that  
9 closed season.

\*\*\*NOTE: Why do we need this language if we are creating the language in s. 29.351 (3)?

1           **SECTION 2.** 29.351 (3)<sup>✓</sup> of the statutes is created to read:

2           29.351 (3) The prohibition in sub. (1) (b) does not apply to any of the following:

3           (a) A lawfully killed fur-bearing animal that has a valid registration tag  
4 attached to it by the department.

5           (b) A fur-bearing animal taken under the authority of s. 29.337.

6           (c) A lawfully killed fur-bearing animal for which an open season without bag  
7 or possession limits is established by rule.

8           **SECTION 3.** 29.357 (2) and (3)<sup>✓</sup> of the statutes are repealed.

9           **SECTION 4.** 29.357 (5) (a) and (b)<sup>✓</sup> of the statutes are amended to read:

10          29.357 (5) (a) Subsections (1) ~~to~~ and (4) do not apply to a person who has a valid  
11 taxidermist permit and who possesses, transports, causes to be transported, delivers  
12 or receives, or offers to deliver or receive, a wild animal carcass in connection with  
13 his or her business.

14          (b) Subsections (1) ~~to~~ and (4) do not apply to the possession, transportation,  
15 delivery or receipt of farm-raised deer, farm-raised fish, farm-raised game birds, or  
16 wild animals that are subject to regulation under ch. 169.

17          **SECTION 5.** 29.357 (5) (c)<sup>✓</sup> of the statutes is created to read:

18          29.357 (5) (c) Subsections (1) and (4) do not apply to the possession,  
19 ✓ transportation, delivery, or receipt of wild animals or carcasses listed in s. 29.351 (3)

-20  
Insert 2-2021  
or 29.539 (7).

21          **SECTION 6.** 29.539 (7)<sup>✓</sup> of the statutes is created to read:

22          29.539 (7) The prohibitions under sub. (1) do not apply to any of the following:

23          (a) Wild rabbits taken under the authority of s. 29.337 or 29.885.

24          (b) The carcass of a fur-bearing animal that has a valid registration tag  
25 attached by the department.

1 (c) Liquid scents made from the carcass of a lawfully taken wild animal, except  
2 from bear gallbladders.

3 (d) The carcass of a lawfully killed wild animal not listed in sub. (1) (a) 1. for  
4 which an open season without bag or possession limits is established by rule.

\*\*\*NOTE: I did not add "pelts" in pars. (b) and (d) as requested because that term  
is not defined in this chapter and the term "carcass," as defined in this chapter, includes  
pelts.

5

(END)

Insert 2-20

Section #. 29.539 (4) of the statutes is amended to read:

, claws, skulls, ✓

29.539 (4) The tails and skin of any squirrel lawfully killed, when severed from the rest of the carcass are exempted from this section.

**History:** 1973 c. 315, 333; 1975 c. 360; 1977 c. 418; 1985 a. 29, 272; 1987 a. 27, 42, 114; 1991 a. 39, 269; 1995 a. 79; 1997 a. 27; 1997 a. 248 ss. 539 to 545; Stats. 1997 s. 29.539; 2001 a. 56, 109.

(end ins)



DuWayne JOHNSRUD

State Representative  
96th Assembly District

To Bob Nelson,

Here are some suggested changes  
from the DNR. We agree with them.  
Due to the lateness in the year,  
and the amount of changes included,  
you shouldn't feel any pressure to get  
this done immediately. If you can, that's  
great, but if not, no big deal.

- Tom Mooney



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-3487-00

RPN:jld:pg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Reger

1 AN ACT *to repeal* 29.357 (2) and (3); *to amend* 29.351 (1) (b), 29.357 (5) (a) and  
2 (b) and 29.539 (4); and *to create* 29.351 (3), 29.357 (5) (c) and 29.539 (7) of the  
3 statutes; **relating to:** sale of lawfully caught wild animals or parts of wild  
4 animals during a closed season.

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a later version.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5 SECTION 1. 29.351 (1) (b) of the statutes is amended to read:

6 29.351 (1) (b) Possess or control the green skin of any fur-bearing animal,  
7 except beaver, from the 5th day after the beginning of the closed season for that  
8 animal until the end of that closed season.

9 SECTION 2. 29.351 (3) of the statutes is created to read:

10 29.351 (3) The prohibition in sub. (1) (b) does not apply to any of the following:

1 (a) A lawfully killed fur-bearing animal that has a valid registration tag  
2 attached to it by the department.

3 (b) A fur-bearing animal taken under the authority of s. 29.337.

4 (c) A lawfully killed fur-bearing animal for which an open season without bag  
5 or possession limits is established by rule.

6 **SECTION 3.** 29.357 (2) and (3) of the statutes are repealed.

7 **SECTION 4.** 29.357 (5) (a) and (b) of the statutes are amended to read:

8 29.357 (5) (a) Subsections (1) ~~to~~ and (4) do not apply to a person who has a valid  
9 taxidermist permit and who possesses, transports, causes to be transported, delivers  
10 or receives, or offers to deliver or receive, a wild animal carcass in connection with  
11 his or her business.

12 (b) Subsections (1) ~~to~~ and (4) do not apply to the possession, transportation,  
13 delivery or receipt of farm-raised deer, farm-raised fish, farm-raised game birds, or  
14 wild animals that are subject to regulation under ch. 169.

15 **SECTION 5.** 29.357 (5) (c) of the statutes is created to read:

16 29.357 (5) (c) Subsections (1) and (4) do not apply to the possession,  
17 transportation, delivery, or receipt of wild animals or carcasses listed in s. 29.351 (3)  
18 or 29.539 (7).

19 **SECTION 6.** 29.539 (4) of the statutes is amended to read:

20 29.539 (4) The tails, claws, skulls, and skin of any squirrel lawfully killed,  
21 when severed from the rest of the carcass are exempted from this section.

22 **SECTION 7.** 29.539 (7) of the statutes is created to read:

23 29.539 (7) The prohibitions under sub. (1) do not apply to any of the following:

24 (a) Wild rabbits taken under the authority of s. 29.337 or 29.885.

(b) The carcass of a fur-bearing animal that has a valid registration tag attached by the department.

(c) Liquid scents made from the carcass of a lawfully taken wild animal, except from bear gallbladders.

(d) The carcass of a lawfully killed wild animal not listed in sub. (1) (a) 1. for which an open season without bag or possession limits is established by rule.

**(END)**

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3487/lins  
RPN:jld:pg

insert and:

Fifth

(DNR)

Under current law, it is unlawful to possess or control green skin of a wild animal from the ~~5th~~ day after the beginning of the closed season for that animal until the end of the closed season. This bill exempts from that prohibition a person's possession or control of a lawfully killed fur-bearing animal that has a valid registration tag from the department of natural resources or for which an open season without bag or possession limits is established, and for a beaver, coyote, fox, raccoon, woodchuck, rabbit or squirrel legally shot or trapped by the owner of land. \*

Current law prohibits a person, except taxidermists, from carrying a wild animal or wild animal carcass in a package or enclosure. That prohibition currently does not apply to the possession or control of farm-raised deer. This bill removes that prohibition for a lawfully killed fur-bearing animal that has a valid registration tag from the department of natural resources or for which an open season without bag or possession limits is established, and for a beaver, coyote, fox, raccoon, woodchuck, rabbit or squirrel legally shot or trapped by the owner of land.

Currently, no one may sell, barter, or trade a deer, except farm-raised deer, \* bear, elk, squirrel, or the carcass of one of those wild animals at any time, or the carcass of any wild animal during the closed season for that wild animal. The tails and skin of a squirrel are currently exempt from this prohibition. This bill allows a person to sell, barter, or trade a lawfully killed fur-bearing animal that has a valid registration tag from the department of natural resources or for which an open season without bag or possession limits is established. The bill also allows the sale, barter, or trade of the claws and skulls ~~of~~ squirrels and the liquid scents made from the carcasses of a lawfully taken wild animal, except from bear gallbladders.

OP

(end ins and)